

House Calendar No.

109TH CONGRESS
2^D SESSION

H. R. 5413

[Report No. 109-]

To make improvements in the codification of title 46, United States Code.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2006

Mr. SENSENBRENNER (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on the Judiciary

, 2006

Reported with an amendment, referred to the House Calendar, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill introduced on May 17, 2006]

A BILL

To make improvements in the codification of title 46, United States Code.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PURPOSE.**

2 *The purpose of this Act is to make improvements in the*
 3 *codification of title 46, United States Code, as enacted by*
 4 *H.R. 1442 (109th Congress), based on—*

5 *(1) public comments submitted too late to be incor-*
 6 *porated in that bill; and*

7 *(2) amendments to laws, made after the cutoff date*
 8 *specified in section 18(a) of that bill, which were re-*
 9 *pealed and replaced by that bill.*

10 **SEC. 2. AMENDMENTS BASED ON PUBLIC COMMENTS.**

11 *(a) PERSONAL INJURY TO OR DEATH OF SEAMEN.—*

12 *(1) AMENDMENT.—Section 30104 of title 46,*
 13 *United States Code, is amended by striking sub-*
 14 *sections (a) and (b) and inserting the following:*

15 *“(a) CAUSE OF ACTION.—A seaman injured in the course*
 16 *of employment or, if the seaman dies from the injury, the*
 17 *personal representative of the seaman may bring an action*
 18 *relying on the laws of the United States regulating recovery*
 19 *for personal injury to, or death of, a railway employee.*
 20 *Such an action may be maintained in admiralty or, at the*
 21 *plaintiff’s election, as an action at law, with the right of*
 22 *trial by jury.*

23 *“(b) VENUE.—When the plaintiff elects to maintain an*
 24 *action at law, venue shall be in the judicial district in*
 25 *which the employer resides or the employer’s principal office*
 26 *is located.”.*

1 (2) *INTENT.*—*Paragraph (1) is intended to ensure*
 2 *that the codification of section 20(a) of the Act of*
 3 *March 4, 1915, in section 30104 of title 46, United*
 4 *States Code, does not result in any substantive*
 5 *change. Section 30104 is intended to be interpreted*
 6 *consistent with the Supreme Court’s opinion in Pan-*
 7 *ama R.R. Co. v. Johnson, 264 U.S. 375 (1924).*

8 (b) *DELETION OF CANTON ISLAND.*—*Section 55101(b) of*
 9 *title 46, United States Code, is amended by—*

10 (1) *inserting “or” after the semicolon at the end of*
 11 *paragraph (2);*

12 (2) *striking paragraph (3); and*

13 (3) *redesignating paragraph (4) as paragraph (3).*

14 **SEC. 3. AMENDMENTS TO CHAPTER 537 BASED ON PUBLIC**

15 **LAW 109–163.**

16 *Title 46, United States Code, is amended as follows:*

17 (1) *Section 53701 is amended by—*

18 (A) *redesignating paragraphs (2)–(13) as*
 19 *paragraphs (3)–(14), respectively;*

20 (B) *inserting after paragraph (1) the follow-*
 21 *ing:*

22 “(2) *ADMINISTRATOR.*—*The term ‘Administrator’*
 23 *means the Administrator of the Maritime Adminis-*
 24 *tration.’; and*

1 (C) amending paragraph (13) (as redesign-
2 nated) to read as follows:

3 “(13) *SECRETARY.*—*The term ‘Secretary’ means*
4 *the Secretary of Commerce with respect to fishing ves-*
5 *sels and fishery facilities.”.*

6 (2) *Section 53706(c) is amended to read as follows:*

7 “(c) *PRIORITIES FOR CERTAIN VESSELS.*—

8 “(1) *VESSELS.*—*In guaranteeing or making a com-*
9 *mitment to guarantee an obligation under this chap-*
10 *ter, the Administrator shall give priority to—*

11 “(A) *a vessel that is otherwise eligible for a*
12 *guarantee and is constructed with assistance*
13 *under subtitle D of the Maritime Security Act of*
14 *2003 (46 U.S.C. 53101 note); and*

15 “(B) *after applying subparagraph (A), a ves-*
16 *sel that is otherwise eligible for a guarantee and*
17 *that the Secretary of Defense determines—*

18 “(i) *is suitable for service as a naval aux-*
19 *iliary in time of war or national emer-*
20 *gency; and*

21 “(ii) *meets a shortfall in sealift capacity*
22 *or capability.*

23 “(2) *TIME FOR DETERMINATION.*—*The Secretary of*
24 *Defense shall determine whether a vessel satisfies*
25 *paragraph (1)(B) not later than 30 days after receipt*

1 *of a request from the Administrator for such a deter-*
2 *mination.”.*

3 *(3) Section 53707 is amended in—*

4 *(A) subsections (a) and (d), by inserting “or*
5 *Administrator” after “Secretary” each place it*
6 *appears;*

7 *(B) subsection (b), by striking “Secretary of*
8 *Transportation” and inserting “Administrator”;*

9 *(C) subsection (c), by striking “of Commerce”;*
10 *and*

11 *(D) subsection (d)(2), by—*

12 *(i) inserting “if the Secretary or Admin-*
13 *istrator considers necessary,” before “the*
14 *waiver”; and*

15 *(ii) striking “the increased” and insert-*
16 *ing “any significant increase in”.*

17 *(4) Section 53708 is amended in—*

18 *(A) subsection (a), by striking “Secretary”*
19 *and “Secretary of Transportation” each place*
20 *they appear in the heading and in text and in-*
21 *serting “Administrator”;*

22 *(B) subsections (b) and (c), by striking “of*
23 *Commerce” each place it appears in a heading*
24 *and in text;*

25 *(C) subsection (d), by—*

(i) inserting “or Administrator” after
“Secretary” the first place it appears; and

(ii) striking “financial structures, or
other risk factors identified by the Sec-
retary. Any independent analysis conducted
under this subsection shall be performed by
a party chosen by the Secretary.” and in-
serting “or financial structures. A third
party independent analysis conducted under
this subsection shall be performed by a pri-
vate sector expert in assessing such risk fac-
tors who is selected by the Secretary or Ad-
ministrator.”; and

(D) subsection (e), by—

(i) inserting “or Administrator” after
“Secretary” the first place it appears; and

(ii) striking “financial structures, or
other risk factors identified by the Sec-
retary” and inserting “or financial struc-
tures”.

(5) Section 53712(b) is amended by striking the
last sentence and inserting “If the Secretary or Ad-
ministrator has waived a requirement under section
53707(d) of this title, the loan agreement shall include
requirements for additional payments, collateral, or

1 *equity contributions to meet the waived requirement*
 2 *upon the occurrence of verifiable conditions indicat-*
 3 *ing that the obligor's financial condition enables the*
 4 *obligor to meet the waived requirement.”.*

5 *(6) Subsections (c) and (d) of section 53717 are*
 6 *amended by striking “of Commerce” each place it ap-*
 7 *pears in a heading and in text.*

8 *(7) Section 53732(e)(2) is amended by inserting “of*
 9 *Defense” after “Secretary” the second time it appears.*

10 *(8) The following provisions are amended by strik-*
 11 *ing “Secretary” and “Secretary of Transportation”*
 12 *and inserting “Administrator”:*

13 *(A) Section 53710(b)(2)(A)(i).*

14 *(B) Section 53717(b) each place it appears in*
 15 *a heading and in text.*

16 *(C) Section 53718.*

17 *(D) Section 53731 each place it appears, ex-*
 18 *cept when “Secretary” is followed by “of En-*
 19 *ergy”.*

20 *(E) Section 53732 each place it appears, ex-*
 21 *cept when “Secretary” is followed by “of the*
 22 *Treasury”, “of State”, or “of Defense”.*

23 *(F) Section 53733 each place it appears.*

24 *(9) Section 53710(b)(1) is amended by striking*
 25 *“Secretary’s” and inserting “Administrator’s”.*

(10) *The following provisions are amended by inserting “or Administrator” after “Secretary” each place it appears in headings and text, except when “Secretary” is followed by “of Transportation” or “of the Treasury”:*

(A) *The items relating to sections 53722 and 53723 in the table of sections at the beginning of chapter 537.*

(B) *Sections 53701(1), (4), and (9) (as redesignated by paragraph (1)(A)), 53702(a), 53703, 53704, 53706(a)(3)(B)(iii), 53709(a)(1), (b)(1) and (2)(A), and (d), 53710(a) and (c), 53711, 53712 (except the last place it appears, as amended by paragraph (5)), 53713 to 53716, 53721 to 53725, and 53734.*

(11) *Sections 53715(d)(1), 53716(d)(3), 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b) are amended by inserting “or Administrator’s” after “Secretary’s”.*

SEC. 4. ADDITIONAL AMENDMENTS BASED ON PUBLIC LAW

109-163.

Title 46, United States Code, is amended as follows:

(1) *Chapters 513 and 515 are amended by striking “Naval Reserve” each place it appears in analyses, headings, and text and inserting “Navy Reserve”.*

1 (2) *Section 51504(f) is amended to read as follows:*

2 “(f) *FUEL COSTS.—*

3 “(1) *IN GENERAL.—Subject to the availability of*
4 *appropriations, the Secretary shall pay to each State*
5 *maritime academy the costs of fuel used by a vessel*
6 *provided under this section while used for training.*

7 “(2) *MAXIMUM AMOUNTS.—The amount of the pay-*
8 *ment to a State maritime academy under paragraph*
9 *(1) may not exceed—*

10 “(A) *\$100,000 for fiscal year 2006;*

11 “(B) *\$200,000 for fiscal year 2007; and*

12 “(C) *\$300,000 for fiscal year 2008 and each*
13 *fiscal year thereafter.”*

14 (3) *Section 51505(b)(2)(B) is amended by striking*
15 *“\$200,000” and inserting “\$300,000 for fiscal year*
16 *2006, \$400,000 for fiscal year 2007, and \$500,000 for*
17 *fiscal year 2008 and each fiscal year thereafter”.*

18 (4) *Section 51701(a) is amended by inserting be-*
19 *fore the period at the end “and to perform functions*
20 *to assist the United States merchant marine, as deter-*
21 *mined necessary by the Secretary”.*

22 (5)(A) *Section 51907 is amended to read as follows:*

23 **“§ 51907. Provision of decorations, medals, and re-**
24 **placements**

25 *“The Secretary of Transportation may provide—*

1 “(1) the decorations and medals authorized by this
2 chapter and replacements for those decorations and
3 medals; and

4 “(2) replacements for decorations and medals is-
5 sued under a prior law.”.

6 (B) In the table of sections of chapter 519, the item
7 relating to section 51907 is amended to read as fol-
8 lows:

“51907. Provision of decorations, medals, and replacements.”.

9 (6)(A) The following new chapter is inserted after
10 chapter 539:

11 **“CHAPTER 541—MISCELLANEOUS**

“Sec.

“54101. Assistance for small shipyards and maritime communities.”.

12 (B) Section 3506 of the National Defense Author-
13 ization Act for Fiscal Year 2006 (46 App. U.S.C.
14 1249) is transferred to and redesignated as section
15 54101 of title 46, United States Code, to appear at
16 the end of chapter 541 of title 46, as enacted by sub-
17 paragraph (A).

18 (C) The heading of section 54101 is amended to
19 read as follows:

1 **“§ 54101. Assistance for small shipyards and mari-**
 2 **time communities”.**

3 (D) *The table of chapters at the beginning of sub-*
 4 *title V is amended by inserting after the item relating*
 5 *to chapter 539 the following new item:*

“541. Miscellaneous 54101”.

6 **SEC. 5. AMENDMENTS BASED ON PUBLIC LAW 109–171.**

7 *Section 60301 of title 46, United States Code, is amended*
 8 *in—*

9 (1) *subsection (a), by striking “2 cents per ton (but*
 10 *not more than a total of 10 cents per ton per year)”*
 11 *and inserting “4.5 cents per ton, not to exceed a total*
 12 *of 22.5 cents per ton per year, for fiscal years 2006*
 13 *through 2010, and 2 cents per ton, not to exceed a*
 14 *total of 10 cents per ton per year, for each fiscal year*
 15 *thereafter,”; and*

16 (2) *subsection (b), by striking “6 cents per ton (but*
 17 *not more than a total of 30 cents per ton per year)”*
 18 *and inserting “13.5 cents per ton, not to exceed a*
 19 *total of 67.5 cents per ton per year, for fiscal years*
 20 *2006 through 2010, and 6 cents per ton, not to exceed*
 21 *a total of 30 cents per ton per year, for each fiscal*
 22 *year thereafter,”.*

23 **SEC. 6. AMENDMENTS BASED ON PUBLIC LAW 109–241.**

24 *Title 46, United States Code, is amended as follows:*

1 (1) *Section 12111 is amended by adding at the end*
 2 *the following:*

3 “(d) *ACTIVITIES INVOLVING MOBILE OFFSHORE DRILL-*
 4 *ING UNITS.—*

5 “(1) *IN GENERAL.—Only a vessel for which a cer-*
 6 *tificate of documentation with a registry endorsement*
 7 *is issued may engage in—*

8 “(A) *the setting, relocation, or recovery of the*
 9 *anchors or other mooring equipment of a mobile*
 10 *offshore drilling unit that is located over the*
 11 *outer Continental Shelf (as defined in section*
 12 *2(a) of the Outer Continental Shelf Lands Act*
 13 *(43 U.S.C. 1331(a)); or*

14 “(B) *the transportation of merchandise or per-*
 15 *sonnel to or from a point in the United States*
 16 *from or to a mobile offshore drilling unit located*
 17 *over the outer Continental Shelf that is not at-*
 18 *tached to the seabed.*

19 “(2) *COASTWISE TRADE NOT AUTHORIZED.—Noth-*
 20 *ing in paragraph (1) authorizes the employment in*
 21 *the coastwise trade of a vessel that does not meet the*
 22 *requirements of section 12112 of this title.”.*

23 (2) *Section 12139(a) is amended by striking “and*
 24 *charterers” and inserting “charterers, and mortga-*
 25 *gees”.*

1 (3) *section 51307 is amended by—*

2 (A) *striking “and” at the end of paragraph*

3 (2);

4 (B) *striking the period at the end of para-*
5 *graph (3) and inserting “; and”; and*

6 (C) *adding at the end the following:*

7 “(4) *on any other vessel considered by the Secretary*
8 *to be necessary or appropriate or in the national in-*
9 *terest.”.*

10 (4) *Section 55105(b)(3) is amended by striking*
11 *“Secretary of the department in which the Coast*
12 *Guard is operating” and inserting “Secretary of*
13 *Homeland Security”.*

14 (5) *Section 70306(a) is amended by striking “Not*
15 *later than February 28 of each year, the Secretary*
16 *shall submit a report” and inserting “The Secretary*
17 *shall submit an annual report”.*

18 (6) *Section 70502(d)(2) is amended to read as fol-*
19 *lows:*

20 “(2) *RESPONSE TO CLAIM OF REGISTRY.—The re-*
21 *sponse of a foreign nation to a claim of registry*
22 *under paragraph (1)(A) or (C) may be made by*
23 *radio, telephone, or similar oral or electronic means,*
24 *and is proved conclusively by certification of the Sec-*
25 *retary of State or the Secretary’s designee.”.*

1 SEC. 7. REPEAL OF AMENDMENTS MADE BY OTHER LAW.

2 (a) *REPEAL.*—Sections 9(a) and 15(21) and (33)(A)–
3 (D)(i) of the Act enacted by H.R. 1442 (109th Congress)
4 are repealed.

5 (b) *INTENDED EFFECT.*—The provisions repealed by sub-
6 section (a) shall be treated as if never enacted.

7 SEC. 8. REPEALS.

8 The following provisions are repealed, except with respect
9 to rights and duties that matured, penalties that were in-
10 curred, or proceedings that were begun before the effective
11 date of this Act:

Statutes at Large

Date	Public Law	Section	Statutes at Large		U.S. Code (46 App. unless otherwise noted)
			Vol- ume	Page	
1936 June 29	858	1113	1279f
		1114	1279g
2006 Jan. 6	109–163	515(g)(2)	119	3236	1131, 1295b, 1295c
		3502	119	3547	1295c
		3507(a)–(c)(3), (d)	119	3553, 3557	1271–1280, 1280b
		3509	119	3557	1295e
		3510	119	3557	2004
Feb. 8	109–171	4001	120	27	121, 132
July 11	109–241	303	120	527	1903
		307	120	528	1295b
		308	120	528	46 U.S.C. 12120
		310	120	529	46 U.S.C. 12105
		901(q)	120	566	1802
		902(a)	120	569	883

12 SEC. 9. EFFECTIVE DATE.

13 This Act shall be effective only if H.R. 1442 in the 109th
14 Congress is enacted. If such bill is enacted, this Act shall
15 be effective on the date of, and immediately after, enactment
16 of such bill.